

United States Courts
Southern District of Texas
FILED

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

JAN 15 2021

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

V.

Jesus Jaime Duncan

CRIMINAL COMPLAINT

Case Number: C-21-0052M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about January 13, 2021 in Jim Wells County, in the Southern District of Texas defendant, Jesus Jaime Duncan

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

January 14, 2021

Date

Julie K. Hampton U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

Signature of Complainant

John Zetts

Printed Name of Complainant

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

FACTS/DETAILS:

On January 13, 2021 at approximately 1800 hours, Freer Border Patrol Station received a call from Department of Public Safety (DPS) out of Corpus Christi, Texas, requesting Border Patrol to assist DPS Trooper Lara on a traffic stop approximately two miles North of Premont, Texas on Highway 281 near Mile Post 696 in Jim Wells County.

Department of Public Safety Trooper Lara, stated that he observed a Red 2013 Ford Pick-up Truck with Glass Tinting on the windows that appeared darker then the legal standard, traveling northbound on Highway 281. While interviewing the driver, Trooper Lara suspected that the driver might possibly be engaging in a human smuggling attempt and requested Border Patrol assistance for further investigation. The traffic stop resulted in the apprehension of five suspected undocumented aliens, and two United States Citizens later identified as driver DUNCAN, Jesus Jaime and his United States Citizen passenger. Before Border Patrol Agents arrived on scene, two of the suspected illegal aliens absconded. Once on scene of the traffic stop, Border Patrol Agent (BPA) Abel Flores determined that the three remaining undocumented aliens were citizens of El Salvador, Guatemala and Mexico with no documentation to prove otherwise. All subjects were transported to the Freer Border Patrol Checkpoint for further processing and interview.

DEFENDANT: Jesus Jaime Duncan:

Jesus Jaime Duncan was advised of his rights via service for I-214 Advisal of Rights by Acting Supervisory Border Patrol Agent Martin Castillo and witnessed by Border Patrol Agent Aaron Gomez. Duncan signed said form an acknowledged and understood his rights. Duncan provided the following statement utilizing audio and video recording equipment:

Duncan stated that he was traveling along Highway 281 North from Premont, Texas to Alice, Texas. Duncan stated that he had seen several subject walking on the side of the road near the shoulder of Hwy 281. Duncan noticed that the subjects were seen waving down passing vehicle and asking for a ride. Duncan noticed that the group of people looked like they were in distress and noticed that one of the subjects appeared to be limping. He decided to render assistance to the subjects and offered to give them a ride into Alice, Texas. All of the subjects accepted the ride and were seated in the rear seat of the vehicle. Duncan stated that he planned on taking the subjects to Alice, Texas to obtain aid for them. Duncan stated he was just trying to be helpful.

MATERIAL WITNESS #1 CHE-Xol STATEMENT:

CHE-Xol was advised of her Miranda Rights by BPA Aaron Gomez and witness by BPA Albert Reyes. Subject stated that she fully understood her rights and was willing to give a statement without an attorney present.

CHE-Xol stated that she illegally entered into the United States on January 2, 2021 near Matamoros, Mexico. CHE-Xol stated that she crossed with a group of other people. CHE-Xol stated that she stayed at a hotel for a few days and proceeded to walk in the brush in an attempt to circumvent the checkpoints. CHE-Xol stated that she and the others she crossed with walked for about two days until 01/13/2021. CHE-Xol stated that on 01/13/2021 they approached a roadway near a town with small stores (Premont, Texas) and began trying to flag down travelling vehicles in order to ask for a ride farther into the United States. CHE-Xol stated that a red pickup truck driven by two males allowed them to enter the vehicle. CHE-Xol stated that the subjects began conversing with them about where they were from. CHE-Xol stated that they said their respective countries and continued driving. CHE-Xol stated that she was not aware of any monetary transaction to either the driver or the passenger of the truck. CHE-Xol stated that about ten minutes into the ride, they were pulled over by police and detained.

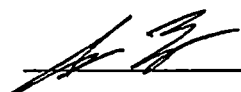
MATERIAL WITNESS #2 TEKKEZ-Hernandez STATEMENT:

TELLEZ-Hernandez was advised of his Miranda Rights by BPA Martin Castillo and witness by BPA Aaron Gomez. Subject stated that he fully understood his rights and was willing to give a statement without an attorney present.

TELLEZ-Hernandez stated that after walking in the brush for a few days, they approached a highway that was near the brush. TELLEZ-Hernandez stated that the location was near a town and he could see buildings and a store. TELLEZ-Hernandez stated that their plan was to ask whoever they could for a ride farther into the United States. TELLEZ-Hernandez stated that they flagged down a red truck that was occupied by two subjects, although he could not recall nor identify what they looked like. TELLEZ-Hernandez stated that they did not talk to the driver or passenger and after a few minutes, they were pulled over by police and arrested.

DISPOSITION:

The facts of this case were presented to the Assistant United States Attorney Office who accepted Jesus Jaime Duncan for prosecution of 8 USC 1324, Alien Smuggling. CHE-Xol and TELLEZ-Hernandez will be held as a Material Witness in this case.



John Zetts
Border Patrol Agent